

107TH CONGRESS
1ST SESSION

H. R. 2146

To amend title 18 of the United States Code to provide life imprisonment for repeat offenders who commit sex offenses against children.

IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2001

Mr. GREEN of Wisconsin (for himself, Mr. SHIMKUS, Mr. SHOWS, Mr. FROST, Mr. DUNCAN, Mr. LIPINSKI, Mr. CRAMER, Mr. SMITH of New Jersey, Mr. TERRY, Mr. CALVERT, Ms. HART, Mr. OXLEY, Mr. HAYWORTH, Mr. SESSIONS, Mr. NETHERCUTT, Mr. GILCHREST, Mrs. KELLY, Mr. PITTS, Mr. NEY, Mr. GARY G. MILLER of California, Mr. PETRI, Mr. ENGLISH, Mr. JONES of North Carolina, Mr. ROYCE, Mr. WATKINS of Oklahoma, and Mr. SWEENEY) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18 of the United States Code to provide life imprisonment for repeat offenders who commit sex offenses against children.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Two Strikes and
5 You’re Out Child Protection Act”.

1 **SEC. 2. MANDATORY LIFE IMPRISONMENT FOR REPEAT**
2 **SEX OFFENDERS AGAINST CHILDREN.**

3 Section 3559 of title 18, United States Code, is
4 amended by adding at the end the following new sub-
5 section:

6 “(e) MANDATORY LIFE IMPRISONMENT FOR RE-
7 PEATED SEX OFFENSES AGAINST CHILDREN.—

8 “(1) IN GENERAL.—A person who is convicted
9 of a Federal sex offense in which a minor is the vic-
10 tim shall be sentenced to life imprisonment if the
11 person has a prior sex conviction in which a minor
12 was the victim, unless the sentence of death is im-
13 posed.

14 “(2) DEFINITIONS.—For the purposes of this
15 subsection—

16 “(A) the term ‘Federal sex offense’
17 means—

18 “(i) an offense under section 2241
19 (relating to aggravated sexual abuse),
20 2242 (relating to sexual abuse), 2243 (re-
21 lating to sexual abuse of a minor or ward),
22 2244 (relating to abusive sexual contact),
23 2245 (relating to sexual abuse resulting in
24 death), or 2251A (relating to selling or
25 buying of children); or

1 “(ii) an offense under section 2423(a)
2 (relating to transportation of minors) in-
3 volving an individual who has not attained
4 the age of 16 years;

5 “(B) the term ‘prior sex conviction’ means
6 a conviction for which the sentence was imposed
7 before the conduct occurred forming the basis
8 for the subsequent Federal sex offense, and
9 which was for either—

10 “(i) a Federal sex offense; or

11 “(ii) an offense under State law con-
12 sisting of conduct that would have been a
13 Federal sex offense if, to the extent or in
14 the manner specified in the applicable pro-
15 vision of title 18—

16 “(I) the offense involved inter-
17 state or foreign commerce, or the use
18 of the mails; or

19 “(II) the conduct occurred in any
20 commonwealth, territory, or posses-
21 sion of the United States, within the
22 special maritime and territorial juris-
23 diction of the United States, in a Fed-
24 eral prison, on any land or building
25 owned by, leased to, or otherwise used

1 by or under the control of the Govern-
2 ment of the United States, or in the
3 Indian country as defined in section
4 1151;

5 “(C) the term ‘minor’ means an individual
6 who has not attained the age of 18 years; and

7 “(D) the term ‘State’ means a State of the
8 United States, the District of Columbia, and
9 any commonwealth, territory, or possession of
10 the United States.”.

11 **SEC. 3. TITLE 18 CONFORMING AND TECHNICAL AMEND-**
12 **MENTS.**

13 (a) SECTION 2247.—Section 2247 of title 18, United
14 States Code, is amended by inserting “, unless section
15 3559(e) applies” before the final period.

16 (b) SECTION 2426.—Section 2426 of title 18, United
17 States Code, is amended by inserting “, unless section
18 3559(e) applies” before the final period.

19 (c) TECHNICAL AMENDMENTS.—Sections 2252(c)(1)
20 and 2252A(d)(1) of title 18, United States Code, are each
21 amended by striking “less than three” and inserting
22 “fewer than 3”.

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